

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OYSTER OPTICS, LLC,

Plaintiff,

v.

INFINERA CORPORATION,

Defendant.

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**CIVIL ACTION NO. 2:18-CV-00206-JRG
(LEAD)**

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**CIVIL ACTION NO. 2:16-CV-01295-JRG
(MEMBER)**

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FINAL JUDGMENT

On June 25, 2019, the Court issued a Memorandum Opinion and Order granting Defendant Infinera Corporation's ("Infinera") Motion for Summary Judgment Regarding Its License and Release Defenses (the "Order"). (Dkt. No. 86.) Pursuant to the Court's directive contained therein, Plaintiff Oyster Optics, LLC ("Oyster") and Infinera subsequently filed a Joint Status Report, in which (1) Oyster withdrew its Motion for Leave to File Amended Complaint ("Motion for Leave") (Dkt. No. 84); and (2) the parties represented that as a result of this Court's Order and Oyster's decision to withdraw its Motion for Leave, "Oyster's claims for patent infringement (Dkt. No. 1) and Infinera's counterclaims for declaratory judgment (Dkt. No. 35) are [now] moot[]." (Dkt. No. 89 at 1.) Accordingly, the parties state that "all remaining pending motions are moot, and all remaining deadlines in the Docket Control Order, including the scheduled trial, should be vacated." (*Id.* at 2.)

Pursuant to Federal Rule of Civil Procedure 58 and in accordance with the parties' Joint Status Report and this Court's Order granting summary judgment, the Court hereby **ORDERS** and **ENTERS FINAL JUDGMENT** as follows:

1. Judgment is entered in favor of Defendant Infinera, and as such Plaintiff Oyster takes nothing against Defendant Infinera.
2. Each of Plaintiff Oyster's patent infringement allegations against Defendant Infinera in the above-captioned consolidated cases are adjudged and held to be barred by the license and release provisions set forth in the Settlement and License Agreement entered into between Oyster Optics, LLC and Coriant (USA) Inc., Coriant North America, LLC, and Coriant Operations, Inc. on June 28, 2018.
3. Defendant Infinera is held to be the prevailing party.
4. Pursuant to 28 U.S.C. § 1920 and Federal Rule of Civil Procedure 54(d), Defendant Infinera, as the prevailing party, is hereby **AWARDED ITS COSTS** from Plaintiff Oyster. Defendant Infinera shall submit to the Court a Bill of Costs within thirty (30) days from the entry of this Final Judgment.
5. All other relief requested by either party and not specifically awarded herein is **DENIED**.
6. The Clerk of Court is **DIRECTED TO CLOSE** the above-captioned cases, 2:16-cv-01295-JRG and 2:18-cv-00206-JRG.

So ORDERED and SIGNED this 28th day of June, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE